

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MICHAEL GAINES,

Petitioner,

-against-

D. McINTOSH, SUPERINTENDENT,
CLINTON C.F.,

Respondent.

21-CV-6619 (LTS)

ORDER DIRECTING ORIGINAL
SIGNATURE

LAURA TAYLOR SWAIN, Chief United States District Judge:

Petitioner, proceeding *pro se*, submitted this petition for a writ of *habeas corpus* under 28 U.S.C. § 2254 without a signature. Rule 11(a) of the Federal Rules of Civil Procedure provides that “[e]very pleading, written motion, and other paper must be signed by at least one attorney of record in the attorney’s name – or by a party personally if the party is unrepresented.” Fed. R. Civ. P. 11(a); *see* 28 U.S.C. § 2242 (A *habeas corpus* petition “shall be in writing signed and verified by the person for whose relief it is intended or by someone acting in his behalf.”). The Supreme Court of the United States has interpreted Rule 11(a) to require “as it did in John Hancock’s day, a name handwritten (or a mark handplaced).” *Becker v. Montgomery*, 532 U.S. 757, 764 (2001).

The Court directs Petitioner to resubmit the signature page of the petition with an original signature to the Court within thirty days of the date of this order. A copy of the signature page of the petition is attached to this order.

No answer shall be required at this time. If Petitioner complies with this order, this action shall be processed in accordance with the procedures of the Clerk’s Office. If Petitioner fails to comply with this order within the time allowed, the Court will deny the petition.

The Clerk of Court is directed to mail a copy of this order to Petitioner and note service on the docket.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that appellant demonstrates good faith when seeking review of a nonfrivolous issue).

SO ORDERED.

Dated: August 18, 2021
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge